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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/005,315 | 12/07/2001 | Chikao Nagasaka | 740165-320 | 7922 |
| 22204 | 7590 | 03/25/2004 | EXAMINER | |
| NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128 | | | BROWN, VERNAL U | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2635 | 8 |
| DATE MAILED: 03/25/2004 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|------------------------------|------------------------|---------------------|--|
| | 10/005,315 | CHIKAO NAGASAKA | |
| Examiner | Art Unit | | |
| Vernal U Brown | 2635 | | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 07 December 2001.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-6 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-6 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 15 April 2002 is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7 .

4) Interview Summary (PTO-413) Paper No(s): ____ .
5) Notice of Informal Patent Application (PTO-152)
6) Other: ____ .

DETAILED ACTION

The application of Chikao Nagasaka for Device Controller filed December 07, 2001 has been examined. Claims 1-6 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Nojiri et al. U.S Patent 4503528.

Regarding claim 1, Nojiri et al. teaches a device controller (figure 1), comprising: an operation section (2) which can send an operation signal to a device (col. 4 lines 1-6); and a controlling section (3) for actuating a function that the device has for achieving an original object to thereby change a physical state of changing the volume (physical state as described on page 4 lines 12-20 of the specification) of the device to a state that is different from the present state of the device (col. 4 line 65-col. 5 line 2). Nojiri et al. further teaches notifying, at a point in time at which the device becomes able to receive the operation signal from the operation section by setting the flags corresponding to the device to be controlled (col. 6 lines 24-37).

Regarding claim 2, Nojiri et al. teaches a device controller (figure 1), comprising: an operation section (2) which can send an operation signal to a device (col. 4 lines 1-6); and a controlling section (3) for changing a physical state of the device to a state that is different from

the present state of the device such as changing the volume of an audio system (col. 4 line 65-col. 5 line 2). The change of state of the device is achieved by activating a function as shown in figure 4. at a point in time at which the controlling section becomes able to receive the operation signal from the operation section. Nojiri et al. further teaches the use of flags (504, 505, 506) to indicate when an instruction set is to be executed (col. 8 lines 4-20) and inherently indicate the control section is ready to receive operation signal.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nojiri et al. U.S Patent 4503528 in view of Onodera U.S Patent 6448670.

Regarding claims 4-6, Nojiri et al. teaches a device controller (figure 1), comprising: an operation section (2) which can send an operation signal to a device (col. 4 lines 1-6); and a controlling section (3) for actuating a function but is silent on teaching the operation section is displaceable within a predetermined range in a vehicle compartment. Onodera in an art related vehicle mounted device control unit teaches the operation section (col. 6 lines 21-24) includes an operation section main body (4) that is displaceable within a predetermined range in a vehicle

compartment (figure 1) and detecting sections (31), with each detecting section being connected to the controlling section (34) and detecting the operation section main body at different positions within the predetermined range (col. 6 line 62-col. 7 line 4).

It would have been obvious to one of ordinary skill in the art for the operation section is displaceable within a predetermined range in a vehicle compartment and the detecting section being connected to the controlling section and detecting the operation section main body at different positions within the predetermined range in Nojiri et al. as evidenced by Onodera because Nojiri et al. suggests a device controller comprising an operation section which sends an operation signal to a device and Onodera teaches the operation section includes an operation section main body that is displaceable within a predetermined range in a vehicle compartment and detecting sections , with each detecting section being connected to the controlling section and detecting the operation section main body at different positions within the predetermined range.

Allowable Subject Matter

Claim 3 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Regarding claim 3, the prior art fail to teach or suggests that after the part is displaced in the predetermined amount, the controlling section drives the driving section to displace the driven part in a opposite direction.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U Brown whose telephone number is 703-305-3864. The examiner can normally be reached on M-Th, 8:30 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.



Vernal Brown
March 20, 2004

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

